IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6781 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

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ROHAN DYES AND INTERMEDIATES LTD.

Versus

BABULAL RANCHHODBHAI NATIYA

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Appearance:

1. Special Civil Application No. 6781 of 2003

MR PC MASTER for Petitioner No. 1

MR KISHOR M PAUL for Respondent No. 1

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CORAM : HON'BLE MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 17/09/2004

ORAL JUDGEMENT

RULE. Mr.Kishor M. Paul, the learned advocate waives service of rule on behalf of the respondent.

2. The petitioner-company is before this Court challenging the judgement and award dated 11.10.2002 passed by the Labour Court, Ahmedabad in Reference (LCA) No.1114 of 1993 whereby the learned Judge of the Labour Court was pleased to hold that termination of the respondent workman on 12.11.1992 was illegal and hence the same was quashed. The learned Judge was pleased to order reinstatement of the respondent workman with full wages and all other consequential benefits on his original post and a sum of Rs.1500/-, was ordered to be paid towards cost of the litigation.

3. After the matter was heard for some time a consensus is arrived at between the learned advocates for the parties, that the matter is required to be amicably settled by paying a lump sum for full and final settlement, not only for the judgement and award in Reference (LCA) No.1114 of 1993 including the amount in lieu of reinstatement but also for the amount which is ordered to be paid in Workmen's Compensation Case WC No.160 of 1993, which is challenged by the petitioner company by filing First Appeal (Stamp) No.2408 of 2004 with a Civil Application No.6856 of 2004 for condonation of delay, caused in filing the aforesaid First Appeal. Total claim of the respondent workman is stated to be more than Rs.2 lakhs towards back wages and under the Workmen's Compensation. With a view to have an amicable solution, the respondent workman has reduced his demand to Rs.1.25 lakhs. As against that the petitioner company is ready to pay Rs.1 lakh. Both the learned advocates, on instructions from their respective clients, have left the matter to this Court, they have agreed to abide by the figure which may be determined by this Court.

4. In view of the fact that the respondent workman is giving up his right of reinstatement which is ordered with full back wages and that there is an award made under Workmen's Compensation Act for a sum of Rs.44,000/-, which comes to Rs.82,500/-, with cost and penal interest, which is already deposited by the petitioner before the Labour Court. Then if the figure of Rs.1 lakh offered by the company is accepted, then only Rs.17,500/-, is offered by the petitioner company towards full and final settlement of the aforesaid award. The fact that the respondent workman has agreed to a sum of Rs.1.25 lakh leaving the actual figure to this Court, this Court directs the petitioner company to pay a sum of Rs.1,20,000/-, (Rupees one lakh and twenty thousand only) to the respondent workman for his giving up all his claims under the award in the aforesaid reference and also under the Workmen Compensation proceedings.

5. The learned advocate Mr.Master stated that pursuant to order dated 07.05.2004 the aforesaid amount of Rs.82,500/-, is deposited before the Labour Court. The Labour Court is directed to pay that amount to the respondent workman by an account payee cheque forthwith. The remaining amount of Rs.37,500/-, shall be paid to the respondent workman on or before 11th October 2004. The petition is disposed of with the aforesaid directions. Rule is made absolute accordingly. No order as to costs.

(Ravi R. Tripathi, J.)

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